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Attorneys for Plaintiff, Andrea Love

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANDREA LOVE, an individual,

Plaintiff,

vs.

ELLEN STONE, an individual; and DOES 1
through 25, inclusive

Defendants.

Case No.: 2:23-cv-3122

**PLAINTIFF ANDREA LOVE'S EX PARTE
APPLICATION TO CORRECT FILING
OF AN UNREDACTED MOTION**

Honorable John F. Walter

Complaint Filed: 2.28.2023
LASC Case No.: 23STCV04399

No hearing date set

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Pursuant to the Federal Rules of Civil Procedure and Local Rule 7-19 Plaintiff Andrea Love respectfully submits this ex-parte application to withdraw Plaintiff Andrea Love's Motion to Remand this case to state court (Docket. No. 29) and to refile a redacted version of the exact same motion in lieu of the prior unredacted filing.

1 This ex parte application is made on the grounds that Plaintiff's counsel inadvertently filed
2 documents within the motion that contain unredacted information, namely Defendant's birthdate
3 that must be redacted per the local and federal rules and that there is information contained
4 therewith that would be optimal if redacted.

5 Plaintiff's counsel understands the gravity of this error and will endeavor to avoid making
6 such omissions in the future.

7 Pursuant to Local Rule 7-19, on June 20, 2023 (among other instances) Plaintiff's counsel
8 called opposing counsel Brooke Hammond Of Counsel at Littler Mendelson (address: 2049
9 Century Park East, 5th Floor, Los Angeles, CA 90067-3107, Telephone: 310.772.7219) at 11:34
10 a.m. and she didn't pick up. Counsel for Defendant stated they would oppose this application.

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12 Dated: June 20, 2023

LAW OFFICES OF JASON M. INGBER

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14 By: /s/ Jason M. Ingber
15 Jason M. Ingber
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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff Andrea Love (“Plaintiff”), by and through her attorney of record, Jason M. Ingber, filed Plaintiff’s Motion to Remand this case to state court on June 16, 2023 (Docket No. 29.) (“Motion”) without realizing certain personal identifying information had not been properly redacted. (See accompanying Declaration of Jason M. Ingber (“Ingber Declaration”))

Upon realizing this omission, Plaintiff’s counsel called opposing counsel to confer as to this ex-parte application but opposing counsel did not answer. (See Ingber Declaration)

In the interests of justice, Plaintiff asks this Court to grant Plaintiff leave to re-file a properly redacted version of the Motion. (See *Baker v. FirstCom Music a Unit of Universal Music-Z Tunes, LLC* C.D.Cal. Jan. 16, 2018, No. 16-cv-08931 VAP (JPRx)) allowing a Plaintiff to refile a redacted version of an unredacted filing that Plaintiff had filed unredacted on more than one occasion “in the interests of justice”.) This Court has full discretion over its own docket and calendar as there is a ‘well established’ principle that “[d]istrict courts have inherent power to control their dockets.” (*Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) (alteration in original) (internal quotation marks omitted) (See also *United States v. United States Dist. Court* (9th Cir. 2012) 694 F.3d 1051, 1058 “the district court has inherent power “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”).

Therefore, Plaintiff respectfully requests this Court allow Plaintiff to either withdraw the Motion (Docket No. 29) to file a new, properly redacted Motion, or, in the alternative to completely strike Exhibits D and I to the Motion, or place the Motion, in its entirety, under seal.

Plaintiff’s counsel hereby assures this will be the last time this Court has to deal with this mistake in this proceeding or any other proceeding before this Court. (See Ingber Declaration)

Dated: June 20, 2023

Respectfully submitted,

LAW OFFICES OF JASON M. INGBER

By: /s/ Jason M. Ingber

JASON M. INGBER, ESQ.

Attorney for Plaintiff

PROOF OF SERVICE

CASE NO.: 2:23-CV-3122

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 16200 Ventura Boulevard, Suite 216, Encino, CA 91436.

On June 20, 2023 I served the foregoing documents described as: **PLAINTIFF ANDREA LOVE'S EX PARTE TO CORRECT FILING OF AN UNREDACTED MOTION; DECLARATION OF JASON M. INGBER IN SUPPORT OF PLAINTIFF'S EX-PARTE APPLICATION** on the interested parties as follows:

SEE ATTACHED SERVICE LIST

- () **By Envelope** - by placing () the original () a true copy thereof enclosed in sealed envelopes addressed as above and delivering such envelopes:
- () **By Mail:** As follows: I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at West Hollywood, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- () **By Facsimile Transmission:** On _____, 2023 at _____ .m., I caused the above-named document to be transmitted by facsimile transmission, from fax number (818) 815-2737, to the offices of the addressee(s) at the facsimile number(s) so indicated Proof of Service List below. The transmission was reported as complete and without error. A copy of the transmission report properly issued by the transmitting facsimile machine is attached hereto.
- (X) **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person(s) at the e-mail address listed above. My electronic notification address is zs@rglawyers.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (X) **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 20, 2023 at Encino, California.

/s/ Jason M. Ingber
JASON M. INGBER

PROOF OF SERVICE LIST

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